

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:21-cv-00213-MR-WCM**

<b>MYRON WAYNE BODTKER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>WAL-MART INCORPORATED,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** is before the Court on the Plaintiff's letter, which the Court construes as a motion for extension of time to effect service [Doc. 7].

The Plaintiff initiated this action against the Defendant Wal-Mart Incorporated on August 9, 2021. [Doc. 1]. On December 3, 2021, the Court entered an Order advising the Plaintiff that unless he demonstrated good cause for his failure to effect service of the Summons and Complaint on the Defendant within fourteen (14) days, the Plaintiff's action would be dismissed without prejudice.

On December 13, 2021, the Plaintiff filed the present letter, which the Court construes as a motion for extension of time to effect service on the Defendant. For grounds, the Plaintiff states that he filed two separate charges of discrimination with the EEOC on two separate dates, and that he

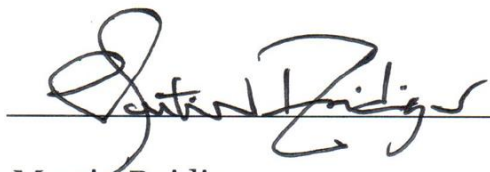
is still awaiting a right-to-sue letter on the second of those charges. [Doc. 7 at 1].

The Plaintiff's proffered reason does not constitute good cause for an extension of the time for service. A plaintiff is required by statute to exhaust his administrative remedies *before* filing an action under Title VII. Emrit v. Office Depot, Inc., 559 F. App'x 206, 207 (4<sup>th</sup> Cir. 2014). Nevertheless, in light of the Plaintiff's *pro se* status, the Court will allow the Plaintiff an additional thirty (30) days in which to effect service on the Defendant.

**IT IS, THEREFORE, ORDERED** that the Plaintiff shall have thirty (30) days from the entry of this Order within which to effect service on the Defendant. Failure of the Plaintiff to effect service on the Defendant within thirty (30) days shall result in a dismissal without prejudice of this action without further order of the Court.

**IT IS SO ORDERED.**

Signed: January 3, 2022

  
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Martin Reidinger  
Chief United States District Judge

